UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL DOCKET NO. 12-051**
v.	*	**SECTION: "K"**
	*	
THERON GOLSTON aka "Thema"	*	

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FACTUAL BASIS

Should this matter proceed to trial, the United States will prove beyond a reasonable doubt, through credible testimony and the production of reliable evidence, the following facts:

Counts 1, 2, and 3:

In late 2010, federal agents with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (A.T.F.) started investigating several acts of violence that had taken place in the Carrollton Area of the City of New Orleans. During the course of this investigation the agents reviewed numerous police reports, 911 calls, recorded telephone calls, and have spoken to several cooperating witnesses. Based on this investigation agents have determined that **THERON GOLSTON**, aka "Thema", **TYRONNE STEVENSON**, aka "Duke", **CAREY JONES**, aka "Bean", **RYAN CARROLL,** aka "Ronnie Boo", **BERNELL WILLIAMS** aka "Bussy", **WALTER CONLEY**, aka "Ike Neezy", **MARK GLENN**, and **CHINA STEWART**, aka "Ms. China", aka "Mom", and other known individuals were members and associates of an organization engaged in, among other things, conspiracy to distribute

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controlled substances, the distribution of controlled substances, murder, conspiracy to commit murder, attempted murder, and obstruction of justice in the Hollygrove area of the City of New Orleans from 2006 to the present. This organization, including its leadership, membership, and associates, constituted an "enterprise", as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise engaged in, and its activities affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. As such, the members of this enterprise possessed, used, carried, and discharged numerous firearms in furtherance of their drug trafficking activities in an effort to protect their drug turf, to retaliate against other rival neighborhood drug groups, such as "Hell City"[1], and for the purpose of maintaining and increasing their position in the enterprise. During the last several years, numerous shooting and murders have taken place by the members of this organization.

On February 27, 2007, New Orleans Police Officers responded to a shooting in the 9000 block of Oleander Street, at its intersection with Hollygrove Street. Upon arrival, officers located Aaron Allen, aka "Chicken", who was suffering from multiple gunshot wounds. Allen told officers that he was walking from Hamilton's Food Store, located at the corner of Hamilton and Fig Streets. When he reached the intersection of Oleander and Hollygrove, he was approached by two black males whom he knew from the neighborhood. The two subjects asked Allen about ten dollars that he owed them for drugs. At that time, the two subjects shot the victim and fled in an unknown direction. Allen told officers that he did not know the subjects names or nicknames, but stated that they lived in the neighborhood and he could identify them if he saw them again.

[1] Agents have identified some of the members of "Hell City" as B.C, J.G., C.M., G.B., L.W., J.S., D.H. G.S., and G.S.

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On March 25, 2007, Aaron Allen, aka "Chicken", succumbed to his injuries. The coroner's office classified his death as a homicide.

During the course of this federal investigation, agents located a cooperating witness who would testify that Aaron Allen, aka "Chicken", owed **Theron Golston** some money for drugs. This witness described Allen as a regular drug user. On the day of the shooting, Carey Jones and **Theron Golston** were at Jack's store when they saw "Chicken". **Golston** and Jones ran back to **Golston's** trailer and got their guns. Jones had a Beretta 9mm pistol and **Golston** had a Jennings 9mm pistol. When they returned to the store, "Chicken" was no longer there. They eventually found him walking on the street. When they did, **Golston** confronted "Chicken" and said "You got my money?" "Chicken" responded "Man, I got you tomorrow." At that point, they both shot at him and he fell in the empty lot, by some bushes. Police arrived on the scene and spoke to Allen. He was then transported to a hospital where he was treated for his gunshot wounds. The police were unable to locate any other witnesses to this shooting.

By acknowledging these facts, **Theron Golston** admits that he shot and killed Aaron Allen, aka "Chicken" during and in relation to his drug trafficking activities and to maintain his position in the enterprise.

In August 2007, Ryan Carroll, a member of the Hollygrove group, broke into a house belonging to B. C., who was a drug dealer and an associate of the "Hell City" group. While in B.C.'s house Ryan Carroll stole drug money (approximately $7,000.00) and other items from B.C. Shortly thereafter, Ryan Carroll was arrested by law enforcement authorities for this crime but was released from jail on a bond. In an effort to get B.C. to drop the charges, Ryan Carroll had his uncle, who was also a known drug dealer, speak to B.C. on his behalf.

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On December 24, 2007, Tyronne Stevenson, Walter Conley, Norman Ratcliff, Carey Jones, and **Theron Golston** decided to rob several members of the "Hell City" group that were participating in a dice game in the 1700 block of Cambronne Street of their drugs and money.

During this confrontation, L.W., who was associated with the members of "Hell City", was shot while running from the scene. Members of "Hell City" also returned fire and Norman Ratcliff, who is member of the "Hollygrove" group, was struck in the leg. NOPD responded to the scene and located thirteen (13) 7.62 caliber casings, which were all discharged from an assault weapon that was fired by Carey Jones.

Immediately following the incident, Tyronne Stevenson, Walter Conley, Norman Ratcliff, and Carey Jones, went back to the Hollygrove area. Since Norman Ratcliff was shot, it was decided that he needed medical attention and he was brought to the hospital by **Theron Golston** and Walter Conley. NOPD interviewed Norman Ratcliff at Ochsner Hospital. Norman Ratcliff lied and told the police that he was shot at General Ogden and Olive Streets. He also told police that he had been brought to the hospital by **Theron Golston** and Walter Conley. Conley was also interviewed by the police at the hospital, but denied any knowledge of the shooting. **Golston** left the hospital before he could be interviewed. NOPD went to General Ogden and Olive Streets and found no evidence of a shooting at that location.

Two days later, on December 26, 2007, NOPD officers responded to a 911 call of a shooting that took place in the 8800 block of Olive Street. When officers arrived on the scene they found Walter Conley, aka "Ike Neezy", suffering from a gunshot wound to the head. Conley was alert and told the police he was riding bikes with a friend and was shot in a "drive by" by an unknown person in a white

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SUV. It should be noted that at the time of the shooting Walter Conley was wearing a shirt that belonged to Tyronne Stevenson.

Based on a follow-up investigation, it was determined that this was a retaliatory shooting by members of "Hell City" for the shooting two days earlier at the dice game. Additionally, during this investigation federal agents were able to locate a telephone call that was made on March 28, 2009 by Walter Conley from the Orleans Parish Prison. During this call Conley spoke with Jamal Garner, a member of "Hell City" and indicated that he knew that it was Jamal Garner who had shot him in the head back in December 2007 and that he was going to retaliate further. During this call Conley also brags to others in the background about his intent to retaliate. This phone call is additional proof that the feud between these two groups of individuals continued for several years and is an example of how the defendants continued to commit crimes of violence in an effort to maintain or increase their position in the enterprise.

Based on information received from a cooperating defendant, it was discovered that on December 26, 2007, at approximately 12:00 PM, Norman Ratcliff, Carey Jones, Bernell Williams and others were passengers in a Black, four door Pontiac Grand Prix, driven by Tyronne Stevenson when Stevenson was involved in a two car accident. Stevenson and the others, upon receiving a telephone call informing them that Walter Conley had been shot, were travelling from the Westbank to the Pigeontown area of New Orleans to retaliate against "Hell City". After the vehicle accident, all of the occupants fled the scene but were eventually apprehended by police. In extinguishing the fire, the fire department and police on the scene discovered three firearms secreted beneath the hood of the vehicle. Subsequent ballistics examination confirmed that the Norinco, MAK-90, 7.62 caliber assault rifle recovered from the scene of

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the accident was the firearm used by Jones, Conley, Norman Ratcliff and Stevenson during the shooting of L.W. on December 24, 2007.

Counts 1, 3, and 8:

On **August 26, 2008**, at approximately 2:10 pm, an innocent victim (Lionesha Dorthey) was driving a 1998 black, Chevrolet Monte Carlo with tinted windows, near the corner of Palm and Hollygrove, when she heard a loud sound. She quickly realized that she had been shot through the passenger side door. Bullet fragments were found in the trunk and inside the passenger door. While she observed two males running from the scene she could not make any identification and never saw anyone actually shooting. She went to the hospital but made a full recovery.

During this follow-up investigation by ATF, several recorded calls were found where the defendants speak about this incident. In call 1219-789-399, which took place on August 26, 2008, at 5:22 pm, Ryan Carroll, aka "Ronnie Boo", called home and spoke to Carey Jones, ("Bean"). Jones says "they just had a boy pull around here" and "**Theron** (Theron Golston) had that bitch live" (shot at the car). This is another example of how they bragged about the violent crime they committed in an effort to increase their position and earn the respect of the other members in the enterprise.

In call 1219-884-046, which was recorded on August 27, 2008 at 7:39pm, Ryan Carroll, aka "Ronnie Boo", called Norman Ratcliff, who tells him about the incident that took place the day before on Palm and Hollygrove (the location of the Lionesha Dorthey shooting).

A CW would testify that for a few days leading up to the day of the shooting, a black Monte Carlo had been seen in the area on multiple occasions. The members of "Hollygrove" believed that this vehicle belonged to the members of "Hell City", specifically G.S and G.S. Carey Jones and **Theron Golston** had discussed this vehicle and agreed that the next time they saw the car they would open fire on its occupants.

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The CW would testify that **Theron Golston** did in fact shoot at the vehicle the next time it drove past, using a .40 caliber handgun. By pleading guilty to this incident, **Golston** admits that he fired at this vehicle to maintain his position in the enterprise and to gain the respect of his associates.

Additional Evidence as to Counts 1, 2, and 3:

During the ATF investigation, federal agents also located several recorded telephone calls that took place between September 9, 2008 and September 14, 2008. During call 1220-964-186, which was recorded on September 9, 2008 at 7:42pm, Tyronne Stevenson ("Duke") calls Norman Ratcliff ("Turk") and also talks to Carey Jones ("Bean"). During the conversation they talk about guns and how "Black" (Arthur Harris, another unindicted co-conspirator) was able to get guns for them. In call 1221-095-422, which was recorded on September 10, 2008 at 8:09pm, Stevenson ("Duke") calls Norman Ratcliff ("Turk") and talks about their group as a whole. In call 1221-426-922, which was recorded on September 14, 2008 at 4:14pm, Stevenson ("Duke") calls China Stewart, who places a three way call to Jones ("Bean"). During the call, Jones tells Stevenson, "*I been coming through all day, son*", meaning that he had been selling drugs. Jones then tells Stevenson that "*Ike had just made two more, we just brung that to her*", referring to the fact that they had made two hundred dollars from selling drugs and brought the money to Ms. China. They also talk about a recent shooting in which they were involved on September 14, 2008 in Jefferson Parish.

In calls 1221-427-887, which was recorded on September 14, 2008 at 4:30pm, and call 1221-433-388, which was recorded on September 14, 2008 at 6:02pm, Stevenson ("Duke") calls his girlfriend. She says that China Stewart is sending all of the members of the group out on the street to sell "ice cream" (crack cocaine) in an effort to raise money to bond him (Stevenson) out of jail. She also says

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that China Stewart wanted to give her some "ice cream" to sell, but she said she did not want to because she did not know how to do it correctly (sell crack cocaine).

In call 1221-444-144, which was recorded on September 14, 2008 at 9:01pm, Bernell Williams ("Bussy") calls J.R. She tells him that "*all your partners are working off something*" (selling crack cocaine) in an effort to raise money for a bond. She also tells them that Norman Ratcliff ("Turk") "had a party" (participated in a shooting) in Jefferson Parish.

Counts 1, 3, and 10:

On **September 13, 2008**, at approximately 10:30 PM, JPSO officers responded to an aggravated battery by shooting of J.J., J.B., and D.S., in the 2333 Alex Kornman Drive, Harvey, Louisiana. These three individuals suffered non-lethal gunshot wounds to their bodies. At the time of the incident, Norman Ratcliff was living with his mother at 2321 Alex Kornman Drive. Through a follow-up investigation, ATF agents were able to pull telephone calls from the Orleans Parish Prison. In call 1221-359-799, made on September 13, 2008 at 9:35 PM, Tyronne Stevenson ("Duke") calls to the residence of Norman Ratcliff ("Turk") and speaks first to Walter Conley ("Ike") and then Ratcliff. Conley tells Stevenson that Ratcliff had gotten into a verbal altercation with another individual from the area. Stevenson then speaks directly with Ratcliff who identifies that he had been disrespected by someone in the area and this same individual had called him names and embarrassed him in front of a group of people. During the call, Ratcliff can be heard answering another phone and identifying the caller as "Bean" (Carey Jones). Norman Ratcliff confirms with Jones that Jones is on his way to the Alex Kornman address.

According to a cooperating witness, Carey Jones ("Bean") and **Theron Golston** later arrived at the Alex Kornman location to bring firearms to Norman Ratcliff; specifically an MAK-90, 7.62 caliber assault rifle and a handgun. When they arrived, Ratcliff took the assault rifle and went to look for his

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target. After initially being unable to locate him, Ratcliff later returned outside and found the target and began shooting at him. **Golston,** who was with Ratcliff, also fired at the victims with a handgun. Immediately following the shooting, and before the police arrived to investigate, Ratcliff, Conley, Jones and **Golston** all left the area and returned to Hollygrove.

In call 1221-426-922, made on September 14, 2008, at 4:14, Tyronne Stevenson ("Duke") calls from Orleans Parish Prison and speaks to Carey Jones ("Bean"). Jones tells Stevenson that they "*had a whole party last night*", referring to the shooting. Stevenson asks if it occurred "*on the other side of the river*", referring to Jefferson Parish and Jones confirms that that was where the shooting happened.

By pleading guilty to this incident, **Golston** admits that he and Ratcliff fired their weapons at the victims because they were disrespected and to maintain their position in the enterprise.

Additional Evidence as to Counts 1 and 3:

On September 14, 2008, NOPD officers responded to an aggravated battery by shooting of Paul May, who later died from his injuries. While on the scene, officers were approached by witnesses who told officers that the shooter fled to 3526 Hollygrove Street, which is the residence of Ryan Carroll and Carey Jones and is located within half of a block from the murder scene. Officers went to that location and met with Hallet Ann Carroll (the mother of Ryan Carroll and Carey Jones) who signed a consent to search form for her residence. Ann Carroll told officers that her son, Carey Jones, aka "Bean" and his friends had been in and out all night. Other witnesses had told officers that many firearms were kept at or under this same residence. While checking the room of Carey Jones, officers observed rounds of ammunition and drug paraphernalia (mirror with cocaine residue, a razor blade, baggies, boxes of baggies, and a scale, all of which are commonly used in the packaging of crack cocaine for retail sale). In securing the rear yard of the house, officers met with Walter Conley, aka "Ike Neezy" who had a marijuana

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cigarette in his hand. Officers also found a 9mm Tec-9 semi-automatic handgun on the ground near Conley. As Conley was being escorted from the house, one of the witnesses told officers that Conley was the one who shot the victim (Paul May). Officers looked under the house and saw a cache of firearms. They obtained a search warrant and recovered the following: a Norinco, Sporter MAK-90, 7.63 Assault Rifle, SN 9342623; an Armalite, M16A2, .223 Assault Rifle, SN US112179; an Astra Model A-80, .45 caliber pistol, SN J3650; an AR-15 magazine with 24 rounds of .223 MAK-90 magazine with 20 7.62 rounds; 14 9mm rounds of ammunition; an empty box of .45 caliber rounds; a MAK-90 magazine and two 7.62 rounds; 9 Remington rounds; a Handgun magazine; an Intratec, Tec 9, 9mm pistol, SN 26496; and one 30 round 9mm magazine with 24 rounds of ammunition. Note: a Ruger, P95, 9mm pistol, SN 316-43940 was also recovered from inside the residence. Hallet Ann Carroll claimed ownership of this weapon.

Arthur Harris, aka "Black", aka "Raymine", was inside the residence with Carey Jones, aka "Bean", when the police arrived. Both were placed under arrest for illegal possession of firearms and drug paraphernalia.

A cooperating defendant has stated that at the time of the shooting, Conley, Harris, and Jones were walking from a local bar in the Hollygrove area when they encountered the victim, Paul May. Conley asked Paul May, "*How much you got?*" Paul May responded that he did not have anything, indicating that he did not want to buy any crack cocaine from Conley. Conley became angry and pulled out a .45 caliber firearm and pointed it at the victim. The victim began to run at which point Conley shot Paul May several times. After the first shot Arthur Harris and Carey Jones fled down the street to Jones' house. Conely shot Paul May several more times and then fled to Jones' house as well, arriving within a few minutes, where he discarded the murder weapon under the back of the house. Later that night Paul May

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was pronounced dead. According to the autopsy protocol Paul May was the victim of a homicide, which resulted from being shot several times by a firearm. Note: the .45 caliber semi-automatic handgun that was located under the house has been ballistically matched by ballistics experts at the N.O.P.D. Crime Lab to the casings at the scene of the murder of Paul May. In short, it is the murder weapon.

During the follow-up investigation of this incident, ATF agents were able to locate numerous recorded telephone calls from the defendants. In call 1221-475-564, which was recorded on September 15, 2008 at 5:45am, Carey Jones ("Bean") calls Norman Ratcliff ("Turk"). Jones tells Ratcliff that "*they are hit*" meaning the police found all of their guns and ammunition. Jones and Conley also talk to **Theron Golston** ("Thema") about the incident. **Golston** then speaks to Conley and they discuss a "crackhead" who may be "ratting" (speaking to the police) about the murder.

In call 1221-496-595, which was recorded on September 15, 2008 at 11:35am, Tyronne Stevenson ("Duke") calls J.R. and talks to China Stewart about the murder. China Stewart tells him about everything that happened including what she saw and heard at the scene of the murder. She also talks to him about losing money that "Bean" (Carey Jones) and "Ike" (Walter Conley) were supposed to be bringing her from selling drugs because now they are in jail.

In call 1221-497-521, which was recorded on September 15, 2008 at 11:51am, Stevenson ("Duke") calls J.R. J.R. then calls Norman Ratcliff's number and **Theron Golston** answers. **Golston** tries to tell Stevenson who the victim was and identifies Paul May as a crackhead that had owed Stevenson money for a prior drug deal. **Golston** explains how he and Stevenson had gone to the victim's trailer on Hamilton where he lived to try and collect the drug debt. **Golston** also tells Stevenson that it's just him (Golston) and Ratcliff out on the street and that they are working on getting them out.

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Additional evidence as to Counts 1 and 2:

In call 1221-503-796, which was recorded on September 15, 2008 at 1:35pm, Bernell Williams ("Bussy") calls J.R. and she calls Norman Ratcliff ("Turk") on a three-way. During the call Williams also talks to **Theron Golston**. During the call **Golston** tells him that they are getting bond money for Stevenson ("Duke") and Williams ("Bussy"). He says, "*we makin' some cake for you and Duke*", "*Miss China got a cake bakery, ya heard me.*" In this call he refers to selling crack cocaine as "makin' cake" and indicates that Ms. China has a "cake bakery" which identifies that she is the one supplying/making the crack cocaine.

In call 1221-512-485, which was recorded on September 15, 2008 at 4:00pm, Ryan Carroll, aka "Ronnie Boo" called his mother, Miss Hallet Ann Carroll. During the call she tells Carroll to "read between the lines". Then she tells him that "*Yesterday that happened ... supposed to be Ike killed the man on the corner*" (the murder of Paul May). Then she says "*the night before that, somethin' else happened*" referring to the shooting on September 13, 2008 in Jefferson Parish involving Ratcliff and Golston and says "*You remember I told you about, about awhile ago somethin' else happened?*" referring to the shooting of Lionisha Dorthey in August 2008. It is obvious that she is very upset and she says, "*There is so much, I can't even talk about it!*" Note: the casings that were collected from the Jefferson Parish shooting under JPSO Item #I-19465-08, on September 13, 2008, were found to ballistically match one of the firearms recovered as a result of the Paul May homicide investigation.

In call 1221-584-270, which was recorded on September 16, 2008 at 11:56am, Stevenson ("Duke") calls his girlfriend, J.R. J.R. tells him that **Golston** is selling drugs for China Stewart. She says that China Stewart tried to give her drugs to sell but that she doesn't know how to sell drugs on the street.

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In call 1221-587-855, which was recorded on September 16, 2008 at 12:56 pm, Stevenson ("Duke") calls J.R. They talk about drugs and China Stewart ("Ms. China") asking J.R. if she wanted any crack cocaine. Stevenson ("Duke") tells J.R. to take the drugs and hold onto them so he'll have something to sell when he "gets home" (gets out of jail

In call 1222-194-592, which was recorded on September 23, 2008 at 1:28 pm, Carey Jones ("Bean") calls Tyronne Stevenson's ("Duke") phone and talks to J.R., Stevenson ("Duke"), and **Theron Golston**. They talk about Conley ("Ike") and the events leading up to the shooting, including selling crack cocaine to get Stevenson ("Duke") out of jail. They talk about how "Ike was trippin'", and how "Ellis dimed them out" (told the police).

On September 25, 2008, NOPD Officers conducted a traffic stop at the intersection of Dublin & Dixon Streets. Upon approaching the vehicle, a 2001 Cadillac, the officers observed an individual later identified as **Theron Golston** sitting in the rear passenger seat. The officers saw **Golston** remove an object from his waistband area and attempt to force it under the rear seat of the vehicle. **Golston** was subsequently removed from the vehicle, handcuffed and searched for officer safety. A search of the rear seat resulted in the recovery of a .45 caliber pistol. After determining that **Golston** was not a convicted felon, and failing to identify the weapon as stolen, the officer released **Golston** but took custody of the weapon pending proper identification of the owner.

During the follow-up investigation of this incident, ATF agents were able to locate a related recorded telephone call. In call 1222-379-417, which was recorded on September 25, 2008 at 4:49 pm, Arthur Harris ("Raymine") calls **Theron Golston**. **Golston** identifies that he was in the back of a car, driven by "Gabby" (G.C.) when she was pulled over by the police. **Golston** states that "old boy with me", referring to the fact that he had his gun with him. **Golston** says "I'm tryin' to like hide dude",

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referring to how he had attempted to hide the firearm from the police.

Counts 1, 3, and 21:

On **April 10, 2009**, **Theron Golston**, Tyronne Stevenson, and Norman Ratcliff went to Carey Jones' house and asked him if he wanted to ride with them over into the "Hell City" Area. Jones told them "no" because his ankle was still injured from running from the police a few days earlier. **Golston**, Stevenson, and Norman Ratcliff then left in a stolen Dodge Intrepid.

Later that morning, police responded to a call in the 1700 block of Monroe Street where they found Glin Butler, a member of Hell City, suffering from multiple gunshot wounds. Evidence recovered from the scene identified seventeen (17) 7.62 caliber rifle casings and thirteen (13) 9mm casings. The victim, Glin Butler, was transported to the hospital where he was treated for multiple gunshot wounds. During a follow-up investigation the victim was uncooperative and did not identify any of his assailants.

Later that day, **Golston**, Ratcliff and Stevenson spoke with a cooperating defendant and informed him that they had "got him" referring to the shooting of Glin Butler. The cooperating defendant identified that he spoke to **Golston,** Ratcliff and Stevenson later and they specifically told him that they had shot Glin Butler.

By pleading guilty to this incident, **Golston** admits that he and his associates shot Glin Butler because he was a member of a rival group to maintain their position in their enterprise.

On April 11, 2009, NOPD was dispatched to investigate a call of Illegal Use of Weapons in the 700 block of N. Prieur Street. When officers arrived they observed several bullet casings on the ground in the 700 block of N. Prieur, a blood stain and a Smith & Wesson, 9mm pistol, S/N RAN4590. Officers checked University Hospital for potential victims and located Norman Ratcliff ("Turk"), D.P (aka "DJ"),

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and two other victims. The four victims told police that while in the 700 block of N. Prieur, they were approached by a black male, with dreadlocks who began shooting into the crowd. Subsequent investigation by ATF determined that Carey Jones ("Bean"), Tyronne Stevenson ("Duke") and Mark Glenn were also present at the time of the shooting.

Collected from the scene were a total of thirteen (13) 9mm casings as well as the Smith & Wesson handgun, loaded with a total of sixteen (16) live rounds. Officers also followed a blood trail to the steps of 2020 Dumaine Street. A single live round of 9mm ammunition was also recovered from the 2000 block of Dumaine. A Norinco, Model SKS, 7.62 caliber assault rifle was recovered from inside the residence located at 2020 Dumaine Street. At the time of the incident, Norman Ratcliff ("Turk") was residing at 2020 Dumaine Street with his mother. A ballistic comparison positively identified the Smith & Wesson, 9mm handgun, as well as the Norinco, 7.62 caliber assault rifle as two of the firearms that were used the day before, on April 10, 2009, in the shooting of Glin Butler.

Counts 1, 3, and 30:

According to a cooperating defendant, on June 14, 2010, in the morning hours, Carey Jones, aka "Bean", Norman Ratcliff, aka "Turk" and **Theron Golston**, aka "Thema", went to the Eastside Hollygrove area to the house of C.J., aka "Chuck". C.J. was trying to get a vehicle that the group could use to "spin" later that day on 'Hell City'. C.J. and Jones decided to do this because they knew that Jones, Mark Glen, Theron Golston, and Norman Ratcliff shot at Glin Butler the previous day, on June 13, 2010, but that he had survived again. Based on this information, the group decided to once again locate and shoot Butler. C.J. was already in possession of a black, Volkswagen Jetta that he had obtained from a drug user but did not want to use this vehicle to 'spin'. C.J. called C.C. and asked C.C. to bring his vehicle over so that C.J. and the others could borrow the car to 'spin'.

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Prior to C.C.'s arrival with his vehicle, Carey Jones, aka "Bean", L.S. and C.J. and Norman Ratcliff, aka "Turk", left C.J.'s house and travelled to the Academy Sports store in Elmwood to purchase ammunition. C.J., because he had valid identification, purchased the 9mm and .40 caliber ammunition using cash. The group then left the store and returned to Hollygrove.

C.C. arrived at C.J.'s house with his white, Chevrolet Malibu rental car. At this time Carey Jones, Norman Ratcliff, Theron Golston, C.J. (aka "Chuck"), L.S., and C.C. all piled into the two vehicles while armed with at least five firearms and went driving around looking for Glin Butler in an attempt to kill him. The white vehicle drove off first followed by the black vehicle.

On June 14, 2010, at approximately 6:15 PM, NOPD officers responded to a homicide at 8921 Birch Street, the residence of Glin Butler. Upon arrival, officers found Miss Eula Mae Ivey, who was identified as Glin Butler's grandmother, lying in the front yard deceased as the result of multiple gunshot wounds. A second victim, Jonathan Butler, Glin Butler's younger brother, was struck by a bullet that entered the residence. Witnesses to this incident told the police that Miss Ivey was killed by several individuals who drove past the location and opened fire from two vehicles. During the shooting one of the cars wrecked and one of the shooters (later identifies as Theron Golston) exited one of the cars and continued firing his weapon. Officers located approximately twenty-four (24) 9mm casings, seven (7) .45 caliber casings and one (1) .40 caliber casing from the scene. Ballistic examinations indicate that five (5) different weapons were used in this incident, one (1) .45 caliber, one (1) .40 caliber, and three (3) different 9mm firearms.

After both vehicles sped away from the 8900 block of Birch Street, they drove down Hollygrove Street toward Hickory, turning westbound into the 9000 block of Hickory Street. D.M. was standing on

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the porch of his residence with his children when he heard several gunshots coming from nearby. After about a minute, D.M. saw a white Chevrolet Malibu travelling north on Hollygrove Street. The vehicle had a damaged front passenger side. D.M. said the vehicle sped toward Hollygrove and Hickory Streets and then turned west into the 9000 block of Hickory. As the vehicle made the turn, D.M. hurried his children inside their residence, following directly behind them. As he shut the door, he heard several gunshots directly outside of his residence. After the shooting ceased, he walked outside and saw multiple spent shell casings in the middle of the street.

The casings were recovered by NOPD and ballistically compared to those recovered from the scene of the Eula Ivey murder. It was determined that the nine (9) 9mm casings had been fired from two (2) 9mm weapons. These casings were further determined to have been fired from the Taurus 9mm and the Glock Model 19, 9mm pistols that were used in the Eula Ivey homicide. Additionally the Taurus 9mm was ballistically linked to the shooting of Glin Butler which occurred on June 13, 2010 at approximately 9:00pm.

Within hours of these shootings, NOPD homicide detectives developed Carey Jones as a suspect. Witnesses identified Carey Jones as one of the several individuals who participated in this murder. NOPD also eventually arrested C.C., R.G., A.G., T.G. and Ryan Carroll in connection with this homicide. It should be noted that Carey Jones has pled guilty in federal court to participating in this drive-by murder of Ms. Eula May Ivey. He has identified C.J. (aka "Chuck"), **Theron Golston**, Norman Ratcliff, C.C. and L.S. as the other individuals who were in the two vehicles and participated in the murder with him. Jones specifically stated that R.G, A.G., T.G., and Ryan Carroll did not participate in this homicide.[2] It

[2] Despite not being directly involved in murder of Eula May Ivey, R.G., A.G., and T.G. were all charged in state court with participating in this homicide. Furthermore, each of them pled guilty to substantially reduced charges in state court in Orleans

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should also be noted that this homicide took place about thirty minutes after NOPD officers left Glin Butler's residence after trying to get him to cooperate with their investigation of his shooting that took place the prior day.

According to a cooperating witness, following the shooting of Eula Ivey, Carey Jones, aka "Bean", Norman Ratcliff, aka "Turk" and **Theron Golston**, aka "Thema", returned to Ratcliff's vehicle and drove out to Mark Glenn's apartment. The three waited on Glenn to return home from work. While at the apartment, Jones and the others told Glenn that they had "spinned" and gone to Hell City where they had killed Eula Ivey while attempting to shoot Glin Butler again. Mark Glenn asked "why ya'll left me." Jones, Ratcliff and **Golston** stayed at Glenn's apartment and discussed what they had just done.

Approximately one week after the murder of Eula Ivey, a cooperating defendant was at the Orleans Parish Criminal District Court, along with **Theron Golston** and other individuals both known and unknown to the cooperating defendant. These other individuals were heard asking **Golston** about the murder and what had happened. When given the opportunity, the cooperating defendant specifically questioned **Golston** about his involvement in the murder. **Golston** admitted that he had participated in the murder Eula May Ivey.

On August 31, 2010, Officers were on routine patrol when they observed **Theron Golston** walking toward the front passenger door of a parked 4 door, Gray Altima. They watched as **Golston** removed a handgun from his waistband and opened the car door. Upon seeing the police, **Golston** attempted to re-conceal the weapon. He entered the car and made movements toward the floorboard as if to conceal the weapon there. As the officers approached, Johnnelle Duncan, exited a nearby convenience

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Parish under case number 507-769 "E".

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store and walked toward the vehicle. When the officers reached the vehicle they could see the gun lying on the floorboard of the car. Officers retrieved a Springfield, Model XD, .45 caliber pistol, S/N US583281. After arrest, **Golston** gave a statement to police, admitting to possession of the gun, saying that he had it because he felt like his life and the life of his family was in danger. **Golston** told the police that he found the gun near the intersection of General Ogden and Olive Streets in Hollygrove a few days prior to his arrest. However, cooperating witnesses will testify that **Golston** told them that that firearm was the one he fired during the drive by shooting that resulted in the murder of Ms. Eula May Ivey.

By pleading guilty to participating in the murder of Eula May Ivey, **Golston** admits that he was in possession of and fired the Springfield, Model XD, .45 caliber pistol. He also admits that he participated in this murder with Carey Jones, Norman Ratcliff, C.J. (aka "Chuck"), C.C. and L.S. **Golston** also admits that R.G., A.G., and T.G. were not with him and his associates when they conducted the drive by shooting and killed Ms. Ivey. He also admits that he participated in this shooting to maintain his position in the enterprise.

Additional evidence as to Count 2:

Additional witnesses would testify that **THERON GOLSTON**, aka "Thema", TYRONNE STEVENSON, aka "Duke", CAREY JONES, aka "Bean", RYAN CARROLL, aka "Ronnie Boo", BERNELL WILLIAMS aka "Bussy", and WALTER CONLEY, aka "Ike Neezy", were street level dealers of illegal narcotics and sold crack cocaine (and on occasion marijuana and heroin) on a daily basis from 2006 through 2012,while hanging out on the street corners in the Hollygrove neighborhood, when they were not in jail. These witnesses would also testify that CHINA STEWART, aka "Ms. China", aka

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"Mom", supplied these individuals with crack cocaine on occasion so that they could sell these drugs on the street in an effort to raise bond money to get their associates out of jail.

The Government and the defendant **THERON GOLSTON** agree and stipulate that for sentencing purposes the government could prove that the amount of cocaine base (""crack") that was distributed and possessed with the intent to be distributed by members of this conspiracy during the course of this conspiracy was not less than 28 grams but not more than 196 grams of cocaine base ("crack"). The amounts of marijuana and heroin that was involved in this conspiracy were negligible for sentencing purposes.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **THERON GOLSTON** and described by **THERON GOLSTON** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **THERON GOLSTON's** plea of guilty to the charged offenses in Counts 1, 2, 3, 8, 10, 21, and 30 of the Second Superseding Indictment.

READ AND APPROVED BY ALL PARTIES:

MAURICE E. LANDRIEU, JR. DATE 4/23/13
Assistant United States Attorney

MICHAEL RIEHLMANN DATE 4/23/13
Counsel for Theron Golston

THERON GOLSTON DATE 4/23
Defendant